

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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F6a

June 23, 2006

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District
Jim Baskin, Coastal Program Analyst – North Coast District

SUBJECT: **COUNTY OF DEL NORTE LCP AMENDMENT NO. DNC-MAJ-2-00 (FERNANDES):** Concurrence with the Executive Director's determination that the action of the County of Del Norte accepting the Commission's certification of LCP Amendment No. DNC-MAJ-2-00 is legally adequate. For Commission review at the meeting of July 14, 2006 in San Diego)

A. BACKGROUND:

The Commission acted on Del Norte County LCP Amendment No. DNC-MAJ-2-00 on March 17, 2005. The proposed amendment as submitted would have amended the County's Implementation Program (IP) by changing the zoning on lands within and adjacent to wetlands.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with three suggested modifications. The suggested modifications included: (1) modifying the proposed application of Designated Resource Conservation Area – Riparian Vegetation (RCA-2(r)) zoning for the riverine and forested wetlands within a gullied intermittent tributary of Elk Creek to instead comprise a Resource Conservation Area – Wetland zoning designation (RCA-2(w)); (2) modifying the proposed application of Designated Resource Conservation Area – Riparian Vegetation (RCA-2(r)) zoning around the 100-foot-wide periphery of the centerline of the gullied intermittent tributary of Elk Creek to instead comprise a 100-foot-wide Resource Conservation Area – Wetland Buffer zoning designation (RCA-2(wb)) commencing outward from the delineated wetlands within the gully; and (3) limit the areal extent of lands proposed to be rezoned to Medium Density Rural Residential - Agriculture Zone designation (RRA-2) (i.e., within 100 feet of the tributary centerline) to only those areas outbound of the 100-foot-wide wetland buffer around the Elk Creek tributary.

Pursuant to Section 13535(c) of the Commission's Regulations, on November 16, 2005, the Commission granted a one-year extension to the County for acceptance of the Commission's suggested modifications to September 16, 2006.

B. EFFECTIVE CERTIFICATION:

On June 13, 2006, the County of Del Norte Board of Supervisors held a public hearing and adopted Resolution No. 2006-044 acknowledging receipt of the Commission's resolution of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the County's Implementation Program (see Attachment No. B).

As provided in Sections 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the County of Del Norte's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Del Norte County LCP Amendment No. DNC-MAJ-1-05 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the County of Del Norte to accept the Commission's certification of Del Norte County LCP Amendment No. DNC-MAJ-2-00 and adopt the necessary changes to the County's Implementation Program are legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

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July __, 2006

Ernie Perry, Director
County of Del Norte – Community Development Department
981 H Street, Suite 110
Crescent City, CA 95531

SUBJECT: Effective Certification of County of Del Norte LCP Amendment No. DNC-MAJ-2-00 – Amendment to Implementation Program Zoning Map No. B-9 (Fernandes)

Dear Mr. Perry:

The Executive Director of the Coastal Commission has reviewed Board of Supervisors' Resolution No. 2006-044 and Ordinance No. 2000-12 for effective certification of the County of Del Norte LCP Amendment No. DNC-MAJ-2-00 (Fernandes).

The County's resolution indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of July 1_, 2006 in San Diego. Commission approval and the amendment process are now complete. If you have any questions, please contact James R. Baskin in our Eureka office at (707) 445-7833 or jbaskin@coastal.ca.gov.

Sincerely,

ROBERT S. MERRILL
District Manager

RSM:jb/lt

ATTACHMENT A